

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

James Cavanaugh)	
)	
Plaintiff(s),)	
)	
v.)	Case Number: <u>1:24-cv-399</u>
)	
Mobile Mini)	
)	
Defendant(s).)	
)	
)	
)	

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is James Cavanaugh of the
county of DuPage in the state of Illinois.

3. The defendant is Mobile Mini, whose
street address is 16823 State Street,
(city) South Holland (county) Cook (state) Illinois (ZIP) 60473
(Defendant's telephone number) (____) – _____

4. The plaintiff sought employment or was employed by the defendant at (street address)
16823 State Street (city) South Holland
(county) Cook (state) Illinois (ZIP code) 60473

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

5. The plaintiff [*check one box*]
- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.
6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) August, (day) 21, (year) 2023.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☒ has ☐ has not filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☐ the United States Equal Employment Opportunity Commission, on or about (month) January (day) 1 (year) 2024.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached.
- X ☐ Yes, ☐ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month)_____ (day)_____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month)_____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☐ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ The United States Equal Employment Opportunity Commission has
issued

a *Notice of Right to Sue*, which was received by the plaintiff on

(month)_____ October (day)_____ 30 (year)_____ 2023 a

copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

(a) ☒ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981)
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the ADA by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).
12. The defendant [*check only those that apply*]
- (a) ☐ failed to hire the plaintiff.
- (b) ☒ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above,
- (h) ☐ other (specify): _____

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

13. The facts supporting the plaintiff's claim of discrimination are as follows: Plaintiff
made multiple complaints alleging age and sex discrimination. Defendant took no
action to address the complaints of Plaintiff. Defendant ultimately terminated Plaintiff
after he filed his charge of discrimination with the EEOC and made complaints alleging
age and sex discrimination.

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
15. The plaintiff demands that the case be tried by a jury. **XXX** ☐ Yes ☐ No
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff **[check only those that apply]**
- (a) ☐ Direct the defendant to hire the plaintiff.
 - (b) ☐ Direct the defendant to re-employ the plaintiff.
 - (c) ☐ Direct the defendant to promote the plaintiff.
 - (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
 - (e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

- (f) ☐ Direct the defendant to (specify): [If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

(g) **XXXX** ☐ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) **XXX** ☐ Grant such other relief as the Court may find appropriate.

/s/ Jame Cavanaugh by Attorney Andre P. Gaston
(Plaintiff's signature)

James Cavanaugh
(Plaintiff's name)

129 North State Street (Plaintiff's
street address)

(City) Genoa (State) Illinois (ZIP) 60135

(Plaintiff's telephone number) (815) – 501-0426

Date: January 16, 2024

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC </div> <div style="color: red; font-weight: bold;">440-2024-02847</div> </div>	
Illinois Department Of Human Rights and EEOC <small>State or local Agency, if any</small>			
Name (indicate Mr., Ms., Mrs.) Mr. James Cavanaugh		Home Phone (Incl. Area Code) (815) 501-0426	Date of Birth 1966
Street Address City, State and ZIP Code 129 North State Street, Genoa Illinois 60135			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name Mobile Mini		No. Employees, Members 20+	Phone No. (Include Area Code) () -
Street Address City, State and ZIP Code 4646 E. Van Buren Street, Phoenix, AZ 85008			
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) <div style="display: flex; justify-content: space-around; font-size: small;"> <div>RACE <input type="checkbox"/></div> <div>COLOR <input type="checkbox"/></div> <div><input checked="" type="checkbox"/> SEX</div> <div>RELIGION <input type="checkbox"/></div> <div>NATIONAL ORIGIN <input type="checkbox"/></div> </div> <div style="display: flex; justify-content: space-around; font-size: small;"> <div><input checked="" type="checkbox"/> RETALIATION (Spec. AG)</div> <div>DISABILITY <input type="checkbox"/></div> <div>GENETIC INFORMATION <input type="checkbox"/></div> </div> <div style="text-align: center; font-weight: bold; font-size: small;">XXX AGE</div>		DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Earliest</div> <div>Latest</div> </div> <div style="text-align: right; font-weight: bold; font-size: small;">8/21/2023</div> <div style="text-align: right; font-size: small;"> <input type="checkbox"/> CONTINUING ACTION </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I began my employment with Respondent in or around Januauary of 2022. My most recent position was truck driver. During my employment, I was subjected to sex and age-based harassment. I complained to Respondent. Subsequently, I was subjected to scrutiny, discipline and I was discharged. I believe I have been discriminated against because of my and sex, in violation of Title VII of the Civil Rights Act of 1964 as amended and for engaging in a protected activity.</p>			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. I declare under penalty of perjury that the above is true and correct.	NOTARY -- When necessary for State and Local Agency Requirements <hr/> I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <hr/> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)
<div style="display: flex; align-items: center;"> <div style="text-align: center; margin-right: 20px;"> <input checked="" type="checkbox"/> </div> <div style="text-align: center;"> <div style="font-size: 2em; font-family: cursive;">1-1-2024</div> <div style="font-size: 1.5em; font-family: cursive;">James Cavanaugh</div> </div> </div> <div style="display: flex; justify-content: space-between; font-size: small; margin-top: 5px;"> <div>Date</div> <div>Charging Party Signature</div> </div>	

Received EEOC CDO on 03/30/2023

Illinois Department of Human Rights- added by EEOC

Redacted by EEOC



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

CHARGE OF DISCRIMINATION

For Official Use Only - Charge Number:
440-2023-03321

EEOC Form SA (October 2017)

Personal Information	First Name: <u>James</u> MI: <u>G</u> Last Name: <u>Cavanaugh</u> Address: <u>129 N. State St.</u> Apt.: _____ City: <u>Genoa</u> County: <u>DeKalb</u> State: <u>IL</u> Zip Code: <u>60135</u> Phone: <u>815-501-0426</u> Home <input type="checkbox"/> Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Email: <u>ironmanjmc@hotmail.com</u>
Who do you think discriminated against you?	Employer <input checked="" type="checkbox"/> Union <input type="checkbox"/> Employment Agency <input type="checkbox"/> Other Organization <input type="checkbox"/> Organization Name: <u>Will Scot Mobile Mini</u> Address: <u>116823 State St.</u> Suite: _____ City: <u>South Holland</u> State: <u>IL</u> Zip Code: <u>60473</u> Phone: <u>312-270-4712</u>
Why you think you were discriminated against?	Race <input type="checkbox"/> Color <input type="checkbox"/> Religion <input type="checkbox"/> Sex <input checked="" type="checkbox"/> National Origin <input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Genetic Information <input type="checkbox"/> Retaliation <input type="checkbox"/> Other <input type="checkbox"/> (specify) _____
What happened to you that you think was discriminatory?	Date of <u>most recent job action</u> you think was discriminatory: _____ Also describe briefly <u>each job action</u> you think was discriminatory and when it happened (estimate). <u>On 07/29/2022 I feel that I was discriminated against by [REDACTED]. She made derogatory statements about men in the presence of my coworkers and I was informed of the incident. Her behavior towards her male employees and customers is horrible. I have complained numerous times to Mike Olin and my work assignments have gotten worse.</u>
Signature and Verification	I understand this charge will be filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address, phone, or email. I will cooperate fully with them in the processing of my charge in accordance with their procedures. I understand by signing below that I am filing a charge of employment discrimination with the EEOC. I understand that the EEOC is required by law to give a copy of the charge, which includes my allegations and my name, to the organization named above. I also understand that the EEOC can only investigate charges of job discrimination based on race, color, religion, sex, national origin, age, disability, genetic information, or based on retaliation for filing a charge of job discrimination, participating in an investigation of a job discrimination complaint, or opposing job discrimination. I declare under penalty of perjury that the above is true and correct. Signature: <u>James G. Cavanaugh</u> Date: <u>3/30/23</u>



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street
Chicago, IL 60604
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: 10/30/2023

To: Mr. James G. Cavanaugh

129 N state

GENOA, IL 60135

Charge No: 440-2023-03321

EEOC Representative and email: FATIMA SANDOVAL
Investigator
fatima.sandoval@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 440-2023-03321.

On behalf of the Commission,

Digitally Signed By: Diane I. Smason
10/30/2023

Diane I. Smason
Acting District Director

Cc:

Kathryn Montgomery Moran
Jackson Lewis P.C.
150 N MICHIGAN AVE STE 2500 STE 2500
Chicago, IL 60601

Jeffrey D Iles
Jackson Lewis P.C.
150 N MICHIGAN AVE STE 2500
Chicago, IL 60601

Samantha Bishop
Mobile Mini
901 S BOND ST STE 600
Baltimore, MD 21231

ANDRE GASTON
The Law Office of Andre P. Gaston, P.C.
1901 N. Roselle Rd Suite 800
SCHAUMBURG, IL 60195

Please retain this notice for your records.